

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. After entry of the foregoing amendment, Claims 1-2, 5, 9-13, 15-16, 19-22, 24-27, 29-31, 33-35, 37-40, and 42-45 remain pending in the present application, Claims 3, 6, 8, 14, 23, 28, and 36 having been canceled without prejudice or disclaimer by the present amendment. No new matter has been added.¹

By way of summary, the Office Action presented the following issues: Claims 1-2, 8-16, 19-27, and 42 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,549,756 to Engstrom (hereinafter “Engstrom”) in view of U.S. Patent No. 6,141,436 to Srey et al. (hereinafter “Srey”) and U.S. Patent No. 4,332,258 to Arai et al. (hereinafter “Arai”); Claim 43 was rejected under 35 U.S.C. § 103(a) as obvious over Engstrom in view of Srey, Arai, and U.S. Patent Application Publ’n No. 2003/0208113 to Mault et al. (hereinafter “Mault”); and Claims 3, 5-6, 28-31, and 33-40 were rejected under 35 U.S.C. § 103(a) as obvious over Engstrom in view of Srey, Arai, and U.S. Patent No. 5,990,866 to Yollin (hereinafter “Yollin”).

ABSTRACT

Applicants have deleted the Abstract and submit herewith a new Abstract. No new matter has been added.

STATEMENT OF SUBSTANCE OF INTERVIEW

Applicants and Applicants’ representative wish to thank Examiner Rajan for the courtesy of the telephonic interview granted on December 7, 2011. During the interview, arguments distinguishing the claims over the applied references were presented. As the scope

¹ The amendments to independent Claims 1, 20, and 26 find support at least in Figures 3-8 and 14 and in their accompanying text in the specification.

of independent Claims 1, 20, and 26 has changed, comments differing from those presented during the interview are included herein.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-2, 8-16, 19-27, and 42 were rejected under 35 U.S.C. § 103(a) as obvious over Engstrom in view of Srey and Arai. In light of the several grounds of rejection on the merits, independent Claims 1, 20, and 26 have been amended to clarify the claimed inventions and to thereby more clearly patentably define over the applied references.

Amended Claim 1 is directed to an input device including, in part, “a plurality of bioindex detecting means . . . ; and selection means for comparing signal-to-noise ratios of . . . output values produced by the plurality of bioindex detecting means to select an output value having a higher signal-to-noise ratio.” Engstrom, Srey, and Arai fail to disclose or suggest those features.

Engstrom concerns a wireless mobile phone in which “a user holding pattern . . . can be inferred from the relative strength of the sensing signals generated by the distributively disposed sensors 114aa-114ae and 114ba-114be.”² The Office Action dated July 9, 2009, asserted the Engstrom relative strength describes a signal-to-noise ratio.³

Applicants respectfully traverse that assertion, because a relative strength does not inherently disclose a signal-to-noise ratio. For example, the Engstrom relative strength might merely relate to a relative strength between the sensing signals, rather than a relative strength of one of the sensing signals to noise. Thus, Engstrom does not disclose or suggest “selection means for comparing signal-to-noise ratios of . . . output values produced by the plurality of bioindex detecting means,” as recited in amended Claim 1.

² Engstrom, col. 3, ll. 40-43.

³ Office Action dated July 9, 2009, at 5.

Srey concerns a portable communication device in which a fingerprint scanner is positioned on a left side or a right side of a housing.⁴ Arai is directed to a portable pulse meter in which a cover is laid over a finger tip.⁵ The Office Action dated July 9, 2009, did not rely on Srey or Arai as describing features relating to a signal-to-noise ratio. Srey and Arai do not disclose or suggest “selection means for comparing signal-to-noise ratios of . . . output values produced by the plurality of bioindex detecting means,” as recited in amended Claim 1.

For at least the foregoing reasons, Claim 1 and all associated dependent claims patentably distinguish over any reasonable combination of Engstrom, Srey, and Arai.

For at least analogous reasons, independent Claims 20 and 26 and all associated dependent claims also distinguish over any reasonable combination of Engstrom, Srey, and Arai.

Further, Mault and Yollin do not remedy the above-noted deficiencies in Engstrom, Srey, and Arai. Thus, the rejections of dependent Claims 3, 5-6, 28-31, 33-40, and 43 are considered moot.

NEW CLAIMS

Applicants have added new Claims 44-45 to set forth the invention of Claim 1 in a varying scope. New Claim 44 finds support in previously presented Claim 1. New Claim 45 finds support at least in the specification in the paragraph bridging pages 18 and 19. No new matter has been added. Dependent Claims 44-45 are allowable by virtue of their dependencies and for the more detailed features presented by the new claims.

⁴ Srey, col. 7, ll. 35-46.

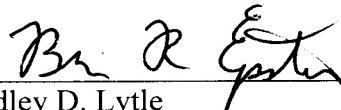
⁵ Arai, col. 2, ll. 52-53.

CONCLUSION

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted the present application is patentably distinguished over the applied references. The application is therefore in condition for allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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